

REMARKS

The Office Action have required restriction in the present application as follows:

Group I, Claims 1-6 drawn to a method of activating protein by protein refolding using Zeolite.

Group II, Claims 7 and 8 drawn to a method of producing an active protein using Zeolite.

Group III, Claims 9-20 drawn to a protein refolding kit comprising Zeolite and other materials.

Group IV, Claims 21-30 drawn to protein refolding agents comprising Zeolite, surfactants, buffers, etc., and

Group V, Claims 31-42 drawn to protein refolding molding comprising Zeolite and substance that supports Zeolite.

Applicants elect, Group IV with traverse, Group IV, Claims 21-30 drawn to protein refolding agents comprising Zeolite, surfactants, buffers, etc. The Examiner has indicated that the only thing officially linking the groups appears to be the fact that the involved refolding protein using Zeolite and hence do not define a special technical feature required by PCT Rule 13.2 because the prior art of Dong et al. Ph.D. Thesis 202, Drexel University, Philadelphia, Pa. discloses the protein refolding using Zeolite as claimed in Group I.

Applicants respectfully traverse the Restriction Requirement on the grounds that no adequate reasons and/or examples have been provided to support a conclusion of patentable distinctness between the identified groups or shown that a burden exists in searching all of the claims. Applicants make no comment about the cited prior art but only note that this prior art does not disclose Applicants' claimed invention and Applicants' claimed invention is an improvement over this art.

This special technical feature requirement of PCT Rule 13.2 is therefore met and the restriction should be withdrawn.

Moreover, the M.P.E.P. § 803 states as follows:

“If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits even though it includes claims to distinct and independent inventions.”

Applicants respectfully submit that a search of all of the claims would not impose a serious burden on the Office. In this regard it is noted that all of the claims of the present application were searched by the Swiss Patent Office and the PCT application.


Applicants respectfully request that should the claims of the elected invention to the protein refolding agent be found allowable that the Examiner withdraw the restriction at least between Group IV and Groups I and II drawn to the method of using the produce of Group IV and rejoin them in accordance with the rejoinder procedures of M.P.E.P. § 821.04a.

Accordingly and for the reasons presented above, Applicants submit the Office has failed to meet the burden necessary in order to sustain the restriction requirement. Withdrawal of the restriction requirement is respectfully requested.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits and early notice of such action is earnestly solicited.

Respectfully submitted,

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